App. F. IX-4

Previous References.
Pris 5-39 (1)

1941.
(Pris)

File No. 20-41
Serial Nos. 1-11

ter References.
Pris 41-44 (1

PRESERVED Preserve

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. eleven only

Part B for April

SUBJECT.

Starting of a Borstal school

Issued P 4873 of 27.4.42

To

D. G. of Prisons

States that the proposals on the above Subject may be kept back till the close of the war

perusal.

Secy)
liments of the
f Information, Bombay.

The Government of Bombay has directed that
the Bombay Children Act, 1924, should be appli
pal limits of Bijapur.

The City Magistrate, First Class, Bijapur,
h one or two lady honorary magistrates will hol
and conduct all cases of youthful offenders ari

OFFICE OF THE
MINISTER FOR LAW
OCT 22 1941
No.....

1) Home to this Act.
Can we not move under
our powers to this re
No 2 XXX Hon

ubmitted for kind perusal.
Law Minister) Thro. Law Secy)
With the compliments of the
Director of Information, Bombay.

2187/h P - 648.
P 17.10.41 14-10-41.

The Government of Bombay has directed that parts II and III of the Bombay Children Act, 1924, should be applied to the city of Satara and the surrounding area within a radius of five miles.

The City Magistrate, First Class, Satara, sitting singly or with one or two lady honorary magistrates will hold the juvenile court and conduct all cases of youthful offenders arising in this area.

4) Law Sec 4
when are we to appoint our children
Courts?

ubmitted: A copy of the Bombay Children
et is put up.
Part II & III of the Bombay Act corresponds
Part III & IV of the Mysore Juveniles Act.
nder the former Act children are committed
Certified Schools and under the latter they
ill be committed to Borstal Schools.
As we do not have any Borstal
hool, part III & IV of our Act will have

to be enforced only after the establishment of a Borstal School . . .

As ordered by the Law Minister in another minute the Dy of Prisons is being addressed regarding the feasibility of converting the District Lock up at Chetpattu into a Borstal School amalgamating with it the Industrial School there. If this proposal matures & is given effect it would perhaps serve the adolescent delinquents only.

As regards the enforcement of Part III & IV of the Juveniles Act for the benefit of children, it would perhaps be deemed necessary to establish separate institutions (Borstal Schools) either in or near Bangalore city. If agreed, the Dy of Prisons will be requested to find out a suitable building for rent in Bangalore city or somewhere near it with accommodation for about 50 children and also make his proposals for staff & equipment for opening a Borstal School for children only. He may also consult the

PRI 931 S

Treatment of children & young offenders

General and Revenue Secretariat | File No. | of 194 . | App. F. III—2

Serial No.

Sections 27(1) & 66(2) & Rule Juvenile Act.

X The Children's Court will have to be appointed after the drawing of a Borstal Scheme & submitted for orders.

28/10/41

Part II of the Bombay Children Act deals with measures for the custody and protection of children who are destitute, or who have no home or settled place of above, or who are residing in houses used for prostitution etc. (Section 7 (1). One of the modes of dealing with such children is for the Juvenile Court to make an order sending the child to a certified schoo (Section 7 (4)).

Part III of the same Act deals with offences against children and their prevention. ~~It provides that where any person having the actual charge of a child is convicted of having committed any of the offences against children and their prevention.~~ It provides that where any person having the actual charge of a child is convicted of having committed any of the offences punishable under the Act, the court may order inter-alia that the child shall be sent t certified school.

Part III of our Juveniles Act XIV of 1939 corresponds to Part II of the Bombay Act and provides for the custody of destitute children. Section 24 of the Act is similar (with slight modifications) to secti 7 (1) of the Bombay Act and one of the methods by

PRISONS 1967

Treatment of Children & young offenders

File No. of 194 . General and Revenue Secretariat.

Serial No.

which a juvenile court could deal with children falling within any of the categories specified in the section is to order them to be sent to a Borstal School. Sections 47 to 53 of our Act deal with offences against children and their presentation. They are the counterpart of Part III of the Bombay Act although the provisions of the latter Act are more comprehensive. Where any parent or guardian is convicted of any offence under our Act in relation to a child, the court may inter-alia order the child to be sent to a Borstal School.(Section 53).

Power is vested in the Government by section 1 (ii) of the Act to apply the whole or any portion of the Act to any class of children in any local area. In exercise of this power Part III of our Act and sections 47 to 53, which are the counter part of Parts II and III of the Bombay Act, may be brought into operation. But a Borstal School for the reception of children is necessary before those provisions are enforced or a juvenile court is established.

The Inspector-General of Prisons has been requested on the feasibility of converting the District Lock-up at Chitaldrug into a Borstal School. The Inspector General of Police and the District Magistrates of Bangalore and Mysore have been addressed as to whether sections 47 and 48 of the Act may not be applied to the cities of Bangalore and Mysore.

SECY. LAW. DEPT. 30 OCT. 1941. GOVT OF MYSORE

Serial No.

A Borstal School is necessary before Part III of our Act and SS. 47 to 53 could be brought into force in the State.

The reply from D. G. of Prisons may be awaited.

Minister for Laws)

Hm 2 31/10/41

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Sus 31/10/41

Office of the Minister for Laws
OCT 31 1941
No. 4153

Hm 2 31/10/41

JNM 31/10

ACT XIV OF 1939.

MYSORE JUVENILES ACT.

(Received the assent of His Highness the Maharaja on the third day of July 1939.)

Price: 0-1-6.

NOTIFICATION.

Order No. P. 207—Legis. 5-39-1, dated Bangalore, the 12th July 1939.

Ordered that the accompanying Mysore Juveniles Act which received the assent of His Highness the Maharaja, on the third day of July 1939, be published as Act XIV of 1939, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
Secretary to Government,
Law Department.

ACT XIV OF 1939.

MYSORE JUVENILES ACT.

(*Received the assent of His Highness the Maharaja on the third day of July* 1939.)

Preamble.

WHEREAS it is expedient to make provision for the custody, trial and punishment of youthful offenders, for the establishment and regulation of Borstal Schools, for the detention and training of youthful offenders, and for the protection of children and young persons in Mysore; It is hereby enacted as follows :—

PART I.

Short title and extent.

1. (*i*) This Act may be called the Mysore Juveniles Act 1939.

(*ii*) The Government may, by notification in the official Gazette from time to time, apply the whole or any portion of this Act to children, young persons or youthful offenders or any class thereof in any local area in Mysore from such date as may be specified in the notification and may cancel or modify any such notification.

2. In this Act unless there is anything repugnant in the subject or context—

(*i*) "Borstal School" shall mean a corrective institution established or recognised under the Act wherein children, young persons or youthful offenders, whilst detained in pursuance of this Act, are given such industrial training and other instruction and are subjected to such disciplinary and moral influences as will conduce to their reformation and the prevention of crime;

(*ii*) "child" means a person under the age of fourteen years and when used in reference to a child sent to a Borstal School applies to that child during the whole period of detention, notwithstanding that the child attains the age of fourteen years before the expiration of that period;

(*iii*) "guardian" in relation to a child, young person or youthful offender includes any person, who, in the opinion of the court having cognizance of any case in relation to the child, young person or youthful offender or in which the child, young person or youthful offender is concerned, has for the time being the charge of or control over the child, young person or youthful offender;

(*iv*) "Inspector-General" shall mean the Inspector-General of prisons and shall include any officer appointed by the Government to perform all or any of the duties imposed by this Act on the Inspector-General;

(*v*) "prescribed" means prescribed by the rules under this Act.

(*vi*) "young person" means a person who is fourteen years of age or upwards and under the age of eighteen years;

(*vii*) "youthful offender" means any person who has been convicted of an offence punishable with transportation or imprisonment or who, having been ordered to furnish security under section 118 of the Code of Criminal Procedure, 1904, has failed to do so and who, at the time of such conviction or failing to give security, was under the age of eighteen years;

3. (*i*) For the purposes of this Act, the Government may establish one or more Borstal Schools or may recognise any institution considered fit for the reception of youthful offenders, young persons or children as a Borstal School.

(*ii*) For every Borstal School, the Government shall appoint a Superintendent and a Committee of Visitors.

4. (*i*) The Government may, from time to time, after previous publication, make rules for the purpose of carrying into effect the provisions of this Act. R

(*ii*) In particular and without prejudice to the generality of the foregoing power, such rules may be made with regard to—

(*a*) the control and management of Borstal Schools established under this Act;

(*b*) the appointment, powers and duties of officials in such schools;

(*c*) the constitution, powers and duties of visiting committees;

(*d*) the classification, treatment, maintenance, education, industrial training and control of the inmates;

(*e*) the temporary detention of youthful offenders until arrangements can be made for sending them to Borstal Schools;

(*f*) visits to and communication with the inmates;

(*g*) the class of persons who may be authorized under section 24 (i);

(*h*) removal of articles which are deemed to be "prohibited articles", when introduced without due authority;

(*i*) the penalties to be imposed for the supply or possession of such articles when possessed or supplied without due authority;

(*j*) the punishment of offences committed by youthful offenders;

(*k*) the granting of licences for the employment of youthful offenders.

(3) All rules made under this Act shall be published in the official Gazette.

5. Subject to any alterations, adaptations and exceptions made by this Act and the rules framed under it, the Prisons Act, 1870, and the Mysore Prisoners' Testimony Act, 1894, and the rules framed thereunder shall apply in the case of every Borstal School established under this Act as if it were a prison and the youthful offenders prisoners. Ap of Pr Te Ac

Courts empowered under this Act.

6. The powers conferred on courts by this Act shall be exercised only by—

(*a*) the High Court,

(*b*) a Court of Session,

(*c*) a District Magistrate,

(*d*) a Sub-divisional Magistrate,

(*e*) any Magistrate of the first or second class specially empowered by the Government to exercise all or any of such powers,

(*f*) any Juvenile Court constituted under sub-section (1) of section 27,

and may be exercised by such courts whether the case comes before them originally or on appeal or in revision.

Procedure when Magistrate is not empowered to pass sentence under this Act.

7. (i) When any Magistrate not empowered to pass sentence under this Act is of opinion that a child or young person brought before him or convicted by him is a proper person to be detained in a Borstal School, he may, without passing sentence, record such opinion and submit his proceedings and forward the child or young person to the District Magistrate to whom he is subordinate or to the Magistrate presiding over the nearest juvenile court having jurisdiction in the case.

(ii) The District Magistrate or the Magistrate presiding over the juvenile court to whom the proceedings are so submitted may make such further enquiry (if any) as he may think fit and may pass such sentence or order dealing with the case as he might have passed if such child or young person had originally been brought before him or tried by him.

PART II.

YOUTHFUL OFFENDERS.

Bail of children, and young persons arrested.

8. Where a person apparently under the age of sixteen years is arrested on a charge of a non-bailable offence and cannot be brought forthwith before a court, the officer in charge of a police station to which such person is brought shall release him on bail if sufficient surety is forthcoming, unless, for reasons to be recorded in

writing, the officer believes that such release would defeat the ends of justice or that the release of the child or young person would bring him into association with any reputed criminal.

Custody of children and young persons not discharged on bail after arrest.

9. Where a person apparently under the age of sixteen years having been arrested is not released under section 8 or otherwise, the officer in charge of the police station shall cause him to be detained in the prescribed manner, until he can be brought before a court having jurisdiction under this Act.

Remand or committal to custody.

10. A court on remanding or committing for trial a child or young person who is not released on bail shall order him to be detained in the prescribed manner.

Attendance at court of parent of child or young person charged with an offence, etc.

11. (i) Where a child or young person is charged with any offence or is brought on an application under section 24 before a court having jurisdiction under this Act, his parent or guardian may in any case and shall, if he can be found and resides within a reasonable distance and the person so charged or brought before the court is a child, be required to attend at the court before which the case is heard during all the stages of the proceedings, unless the court is satisfied that it would be unreasonable to require his attendance.

(ii) Where the child or young person is arrested, the officer in charge of the police station to which he is brought shall cause the parent or guardian of the child or young person, if he can be found, to be warned to attend at the court before which the child or young person will appear.

(iii) The parent or guardian whose attendance shall be required under this section shall be the parent or guardian having the actual possession and control of the child or young person:

Provided that, if that person is not the father, the attendance of the father may also be required.

(iv) The attendance of the parent of a child or young person shall not be required under this section in any case where the child or young person was before the institution of the proceedings removed from the custody or charge of his parent by an order of a court.

Power of court to pass sentence of detention in Borstal School.

12. Where it appears to a court having jurisdiction under this Act that a youthful offender should, by reason of his criminal habits or tendencies or association with persons of bad character, be subject to detention for such term and under such instruction and discipline as appears most conducive to his reformation and the repression of crime, it shall be lawful for the court, in lieu of passing a sentence of transportation or imprisonment, to pass a sentence of detention in a Borstal School for a term which shall not be less than three or more than five years:

Provided that, before passing such sentence, the court shall consider any report or representation which may be made to it as to the suitability of the case for treatment in a Borstal School and shall be satisfied that the character, state of health and mental condition of the offender and the other circumstances of the case are such that the offender is likely to profit by such instruction and discipline as aforesaid.

Limitation on powers conferred by section 12.

13. Any person detained in a Borstal School for failure to furnish security when ordered to do so under section 118 of the Code of Criminal Procedure, 1904, shall be released on furnishing such security or on the passing of an order under section 124 of the Code.

Power of Inspector-General to transfer prisoners to Borstal School.

14. The Inspector-General may, subject to rules made by the Government, if satisfied that any youthful offender undergoing transportation or imprisonment in consquence of a sentence passed either before or after the passing of this Act might with advantage be detained in a Borstal School, direct that such person shall be transferred from prison to a Borstal School, there to serve the whole or any part of the unexpired residue of his sentence. The provisions of this Act shall thereupon apply to such person as if he had been originally sentenced to detention in a Borstal School.

Preliminary enquiry and findings as to age of youthful offender.

15. (i) Before passing a sentence under section 12, the court shall enquire into the age of the offender and after taking such evidence (if any) as may be deemed necessary, shall record a finding thereon stating his age as nearly as may be.

(ii) A similar enquiry shall be made and finding recorded by every Magistrate not empowered to pass sentence under section 12 before submitting his proceedings and forwarding an youthful offender to the District Magistrate or to the Magistrate presiding over the Juvenile

Court having jurisdiction in the case as required by sub-section (1) of section 7.

Period of detention.

16. The order in pursuance of which a young person or child is sent to a Borstal School shall specify the time for which the young person or child is to be detained in the school, being—

(a) in the case of a young person, not less than three and not more than five years but not in any case extending beyond the time when the young person will, in the opinion of the court, attain the age of twenty-one years;

(b) in the case of a child, such time as the court may deem proper for the teaching and training of the child but not in any case extending beyond the time when the child will, in the opinion of the court, attain the age of seventeen years.

Power to discharge youthful offender or to commit him to suitable custody.

17. A court may, if it shall think fit, having regard to the age, character, antecedents, physical or mental condition of the offender, instead of directing any youthful offender to be detained in a Borstal School, order him to be—

(a) discharged after due admonition, or

(b) committed to the custody of his parent or guardian or any adult relative, on such parent, guardian or relative executing a bond with or without sureties, as the court may require, to be responsible for the good behaviour of the youthful offender for any period not exceeding twelve months,

and the court may in either case pass a further order that the youthful offender be placed under the supervision of a person named by the court.

Power to order parent to pay fine, etc., instead of child or young person.

18. (i) Where a child or young person is convicted of an offence punishable with fine and the court is of opinion that the case would be best met by the imposition of a fine, whether with or without any other punishment, the court may in any case, and shall, if the offender is a child, order that the fine be paid by the parent or guardian of the child or young person, unless the court is satisfied that the parent or guardian cannot be found or that he has not conduced to the commission of the offence by neglecting to exercise due care of the child or young person.

(ii) An order under this section may be made against a parent or guardian who, having been required to attend has failed to do so, but, save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard.

(iii) Where a parent or guardian is directed to pay a fine under this section, the amount may be recovered in accordance with the provisions of the Code of Criminal Procedure, 1904.

Detention in the case of certain serious crimes committed by children or young persons.

19. (i) When a child or young person is convicted of an offence of so serious a nature that the court is of opinion that no punishment which under the provisions of this Act it is authorised to inflict is sufficient, the court shall order the offender to be kept in safe custody in such place or manner as it thinks fit and shall report the case for the orders of the Government.

(ii) Notwithstanding the provisions of section 12, the Government may order any such child or young person to be detained in such place and on such conditions as it thinks fit, and while so detained the child or young person shall be deemed to be in legal custody:

Provided that no period of detention so ordered shall exceed the maximum period of imprisonment to which the child or young person could have been sentenced for the offence committed.

Methods of dealing with children and young persons charged with offences.

20. Where a child or young person charged with any offence is tried by any court, and the court is satisfied of his guilt, the court shall take into consideration the manner in which, under the provisions of this or any other Act enabling the court to deal with the case, the case should be dealt with, namely, whether,

(*a*) by discharging the offender after due admonition; or

(*b*) by committing the offender to the custody of his parent, guardian or any adult relative, on such parent guardian or relative executing a bond to be responsible for his good behaviour; or

(*c*) by so discharging or committing the offender and placing him under the supervision of a person named by the court; or

(*d*) by sending the offender to a Borstal School

or

(*e*) by ordering the offender to be whipped; or

(*f*) by ordering the offender to pay a fine; or

(*g*) by ordering the parent or guardian of the offender to pay a fine; or

(*h*) where the offender is a young person, by sentencing him to imprisonment; or

(*i*) by dealing with the case in any other manner in which it may legally be dealt with:

Provided that nothing in this section shall be construed as authorizing the court to deal with any case in any manner in which it could not deal with the case apart from this section.

Government to determine the Borstal School to which youthful offender shall be sent.

21. Every youthful offender directed by a court to be sent to a Borstal School shall be sent to such Borstal School as the Government may, by general or special order, appoint for the reception of youthful offenders so dealt with by such court:

Provided that, if accommodation in a Borstal School is not immediately available for such youthful offender, he may be detained in a special ward or such other suitable part of a prison as the Government may direct until he can be sent to a Borstal School. The period of detention so undergone shall be treated as detention in a Borstal School.

Removal from one school to another.

22. The Inspector-General may at any time order an inmate to be removed from one Borstal School to another, provided that the whole period of his detention in a Borstal School shall not be increased by such removal.

Transfer of incorrigibles, etc., to prisons.

23. Where a person detained in a Borstal School is reported to the Government by the Superintendent and the Committee of Visitors of such school to be incorrigible or to be exercising a bad influence on the other inmates of the School, the Government may commute the unexpired residue of the term of detention to such term of imprisonment of either description as the Government may determine, but in no case exceeding—

(*a*) such unexpired residue, or

(*b*) the maximum period of imprisonment fixed for the offence or the failure to give security, as the case may be, or

(*c*) the maximum period of imprisonment which the court that tried him had authority to award under the Code of Criminal Procedure, 1904,

whichever is shortest.

PART III.

Children and Young Persons not being Youthful Offenders.

Children liable to be sent to Borstal School.

24. (i) In any area to which the Government sha direct that this section shall apply, any person auth rised in this behalf in accordance with rules made by th Government may bring before a court any perso apparently under the age of fourteen years who,

(*a*) is found wandering and not having any hom or settled place of abode, or visible means of subsistenc or is found wandering and having no parent or guardia or a parent or guardian who does not exercise prop guardianship; or

(*b*) is found destitute, not being an orphan ar having both parents or his surviving parent or in the ca of an illegitimate child, his mother, undergoing transpo tation or imprisonment; or

(*c*) is under the care of a parent or guardian wh by reason of criminal or drunken habits, is unfit to ha the care of the child; or

(*d*) frequents the company of any reputed thief;

(*e*) is living in a house used for an immor purpose or in any other circumstances calculated to cau encourage or favour the seduction or prostitution of t child;

and the court before which a person is brought as comi within one of those descriptions, if satisfied on enquiry that fact, and that it is expedient so to deal with hi may order him to be sent to a Borstal School.

Power to commit child to suitable custody.

(ii) Where under this Act a court is empowered order a child to be sent to a Borstal School, the court, lieu of ordering him to be so sent, may make an order the committal of the child to suitable custody in t prescribed manner until he attains the age of sevente years or for any shorter period.

Power to commit young person to care of relative or fit person in certain cases.

(iii) Any police officer or other person authoris by the Government in this behalf may bring before court any person apparently of the age of fourteen fifteen years so circumstanced that if he were a child would come within one or other of the descriptio mentioned in sub-section (1) and the court if satisfied enquiry of that fact and that it is expedient so to d

with him, may make an order for his committal to suitable custody in the prescribed manner until he attains the age of seventeen years or for any shorter period:

Provided that a girl coming within the description mentioned in clause (*e*) of sub-section (*i*) may be committed to such custody until she attains the age of eighteen years or for any shorter period.

(iv) The court which makes an order committing a child or young person to suitable custody under this section may, in addition, order that the child or young person be placed under the supervision of a person named by the court.

Uncontrollable children.

25. Where the parent or guardian of a child proves to a court that he is unable to control the child, and that he desires the child to be sent to a Borstal School, the court, if satisfied on enquiry that it is expedient so to deal with the child, and that the parent or guardian understands the results which will follow, may order him to be sent to any such School.

PART IV.

Maintenance and treatment of persons sent to Borstal Schools or committed to suitable custody.

Contribution of parent.

26. (i) The court which makes an order for the detention of a child in a Borstal School under section 25 or for the committal of a child or young person to suitable custody under this Act may make an order on the parent or other person liable to maintain the child or young person to contribute to his maintenance, if able to do so, in the prescribed manner.

(ii) Any order made under this section may, from time to time, be varied by the court.

(iii) The persons liable to maintain a child or young person shall, for the purposes of sub-section (1), include in the case of illegitimacy his putative father:

Provided that where the child or young person is illegitimate and an order for his maintenance has been made under section 488 of the Code of Criminal Procedure, 1904, the court shall not ordinarily make an order for contribution against the putative father but may order the whole or any part of the payments accruing due under

the said order for maintenance to such person or persons as may be named, to be applied by him or them towards the maintenance of the young person or child.

(iv) Any order under this section may be enforced in the same manner as an order under section 488 of the Code of Criminal Procedure, 1904.

PART V.

JUVENILE COURTS.

Juvenile Courts.

27. (i) The Government may provide for the establishment in any district of one or more separate courts for the hearing of charges against children or young persons or of applications for orders relating to a child or young person at which the attendance of the child or young person is required.

(ii) Where no such separate court has been established, the court before which a child or young person is brought shall, unless the child or young person is tried jointly with any other person, not being a child or young person, whenever practicable, sit either in a different building or room from that in which the ordinary sittings of the court are held or on different days or at different times from those at which the ordinary sittings are held.

PART VI.

RELEASE ON LICENCE.

Power to release on licence.

28. (i) Subject to any general or special directions of the Government, the Inspector-General, on the recommendation of the Superintendent and the Committee of Visitors, may, at any time after the expiration of six months from the commencement of the term of detention, if satisfied that there is a reasonable probability that the inmate will abstain from crime and lead a useful and industrious life, by licence permit him to be discharged from the Borstal School on condition that he be placed under the supervision or authority of any Government officer, or secular institution or person, or religious society professing the same religion as the inmate named in the licence who may be willing to take charge of him.

(ii) A licence under this section shall be in force until the term for which the offender was sentenced to detention has expired or the term for which the child or the young person was ordered to be detained in the School has expired, unless sooner revoked or forfeited.

Form o licence.

29. Every licence granted under section 28 shall be in such form and shall contain such conditions as the Government may by rules direct.

Revoca licence.

30. Subject to any general or special directions of the Government, a licence granted under section 28 may be revoked at any time by the Inspector-General and where a licence has been revoked, the person to whom the licence related shall return to the Borstal School.

Escape forfeitu licence.

31. If any inmate escapes from a Borstal School or if any inmate absent on licence from a Borstal School removes himself from the supervision of the society or person in whose charge he is placed or fails to return from such supervision to the Borstal School, a police officer not below the rank of a sub-inspector may, without orders from a Magistrate and without warrant, arrest him and take him back to the Borstal School and his licence shall be forfeited with effect from the date of his escape or failure to return, as the case may be.

Absence under li to be co towards period o detentio

32. The time during which a person is absent from a Borstal School under a licence shall be treated as part of the term of his detention in the School:

Provided that where that person has failed to return to the School on the licence being forfeited or revoked, the time which elapses after his failure so to return shall be excluded in computing the term during which he is to be detained in the School.

33. Whoever—

Penalty abetting escape of youthful offender child.

(*a*) knowingly assists or induces directly or indirectly a youthful offender or child detained in or placed out on licence from a Borstal School to escape from the School or from any person with whom he is placed out on licence, or any child or young person to escape from the person to whose custody he is committed under the provisions of this Act,

(*b*) knowingly harbours, conceals or prevents from returning to School, or to any person with whom he is placed out on licence or to the person to whose custody

he is committed under this Act, a youthful offender, child or young person who has so escaped, or knowingly assists in so doing,

shall be punishable with imprisonment for a term which may extend to two months or with fine not exceeding two hundred rupees or with both.

Penalty for introduction or removal or supply of prohibited articles and communication with youthful offenders.

34. Whoever, contrary to any rule made by Government, introduces or removes or attempts by any means whatever to introduce into or remove from any Borstal School, or supplies or attempts to supply outside the limits of any Borstal School to any youthful offender under order of detention therein, any prohibited article, and every officer or person in charge of a Borstal School, who contrary to any such rule, knowingly suffers any such article to be introduced into or removed from any Borstal School, to be possessed by any youthful offender detained therein, or to be supplied to any such youthful offender outside its limits, and whoever, contrary to any such rule, communicates or attempts to communicate with any such youthful offender,

and whoever abets any offence made punishable under this section,

shall, on conviction before a Magistrate, be liable to imprisonment for a term not exceeding two months or to fine not exceeding two hundred rupees or to both.

PART VII.

Appeal and Revision.

Appeal and revision.

35. For purposes of appeal and revision under the Code of Criminal Procedure, 1904, a sentence of detention under section 12 of this Act shall be deemed to be a sentence of imprisonment for the same period.

Any person affected by an order of the Inspector-General under this Act may appeal to the Government whose orders shall be final.

Appeal.

36. (i) An appeal from an order made by a court under sections 18, 24, 25 or 26 shall lie,

(*a*) if passed by a Juvenile Court or by any Magistrate other than a District Magistrate, to a District Magistrate;

(*b*) if passed by a District Magistrate, to the Court of Session;

(c) if passed by a Court of Session, to the High Court.

(ii) No appeal shall lie from any order passed in any such appeal.

(iii) Any order passed under the provisions of this Act and not otherwise provided for may be revised by the High Court.

PART VIII.

MISCELLANEOUS.

Discharge and transfer.

37. (i) The Government may, at any time, order a youthful offender or a child—

(a) to be discharged from a Borstal School either absolutely or on such conditions as the Government approves; or

(b) to be transferred from one Borstal School to another.

(ii) The total period of detention of the youthful offender or child shall not be increased by any transfer under this section.

Presumption and determination of age.

38. (i) Where a person, whether charged with an offence or not, is brought before any court otherwise than for the purpose of giving evidence, and it appears to the court that he is a child or young person, the court shall make due enquiry as to the age of that person and for that purpose shall take such evidence as may be forthcoming at the hearing of the case, but an order or judgment of the court shall not be invalidated by any subsequent proof that the age of that person had not been correctly stated to the court, and the age presumed or declared by the court to be the age of the person so brought before it shall, for the purposes of this Act, be deemed to be the true age of that person and where it appears to the court that the person so brought before it is of the age of eighteen years or upwards, the person shall, for the purposes of this Act, be deemed not to be a child or young person.

(ii) No court shall, in appeal or revision, interfere with any presumption or declaration as to age made under sub-section (1).

Provision as to religious persuasion.

39. Where a child or young person is committed to suitable custody under this Act, the court in determining the person to whose custody the child or young person

shall be committed shall endeavour to ascertain the religion of the child or young person and shall, if possible, select a person of the same religion or a person who gives such undertaking as seems to the court sufficient that the child or young person shall be brought up in accordance with his own religion.

Removal of disqualification attaching to conviction for offences.

40. The conviction of a child or young person shall not be regarded as a conviction for the purposes of any disqualification attaching to a conviction for any offence.

Control of custodian over a child.

41. Any person to whose custody a child or young person is committed under the provisions of this Act shall while the order is in force, have the like control over the child or young person as if he were his parent and shall be responsible for his maintenance, and the child or young person shall continue in his custody notwithstanding that he is claimed by his parent or any other person.

Transfer of youthful offenders to Borstal Schools in British India.

42. The Government may order any youthful offender to be transferred from a Borstal School within the State to a Borstal School in British India where there is any arrangement in that behalf between the Government and the Governor-General-in-Council.

Bonds taken under this Act.

43. The provisions of Chapter XLII of the Code of Criminal Procedure, 1904, shall, so far as may be, apply to bonds taken under this Act.

Procedure when youthful offender under detention in a Borstal School is again convicted and sentenced.

44. When a youthful offender during his period of detention in a Borstal School is again convicted by a criminal court, the sentence of such court shall commence at once, notwithstanding anything to the contrary in section 397 of the Code of Criminal Procedure, 1904, but the court shall forthwith report the matter to the Government which shall have power to deal with the matter in any way in which it thinks fit.

Sentences that may not be passed on a child or young person.

45. Notwithstanding anything to the contrary contained in any law no child or young person shall be sentenced to death, transportation or imprisonment or committed to prison in default of payment of fine or in default of furnishing security:

Provided that a child or young person may be sentenced to imprisonment not exceeding ten years or committed to prison as aforesaid where the court certifies that he is of so unruly or of so depraved a character that he is not a fit person to be sent to a Borstal School and that none of the other methods in which the case may legally be dealt with is suitable.

First offenders.

46. When a child or young person is convicted of an offence punishable with fine only and is sentenced to fine, the court may add a sentence of whipping in default of payment of fine unless action against his parent or guardian under sub-section (i) of section 18 is practicable.

Treatment of a child or young person.

47. (i) Whoever being the parent or guardian of any child or young person abandons, exposes or wilfully neglects or illtreates such child or young person in a manner likely to cause unnecessary suffering or injury to the health of such child or young person shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to rupees two hundred or with both.

(ii) For the purposes of this section, injury to health includes injury to or impairment of any function of the body or mind, and a parent or guardian being legally liable to maintain any child or young person shall be deemed to neglect or illtreat him if he fails to provide him with such food, clothing, medical aid and lodging, as would, in the opinion of the court which hears the case, be suitable to his condition in life.

(iii) Nothing in this section shall be deemed to affect the right of a parent, teacher or guardian to administer reasonable punishment to a child or young person in his charge.

Encouraging begging by a child or young person.

48. (i) Whoever for his own profit causes, or being the parent or guardian allows, any child or young person to beg in any public place shall be punishable with simple imprisonment for a term which may extend to three months or with fine which may extend to rupees one hundred or with both.

(iii) The Government may, by notification in the official Gazette, exempt from liability to punishment under this section any class of persons in any district or place where this Act may be in operation.

Permitting any child or young person to frequent brothel.

49. Whoever being the parent or guardian of any child or young person allows that child or young person to reside in or frequent a brothel shall be punishable with imprisonment which may extend to six months or with fine which may extend to rupees five hundred or with both.

Custody of any child or young person in respect of whom an offence is committed or likely to be committed.

50. In any case in which a police officer not below the rank of sub-inspector or a person authorised in this behalf in the prescribed manner, is of opinion that an offence under section 47 or 48 or 49 has been, or is likely to be, committed in relation to any child or young person,

he may cause such child or young person to be placed in safety in such manner as the Government may, by rule, prescribe:

Provided that such child or young person shall not, without an order of a court empowered under section 6 be detained for more than twenty-four hours in addition to the time necessary to produce him before such court.

Search warrant.

51. In any case in which any court empowered under section 6 has reason to believe that an offence under section 47 or 48 or 49 has been or is likely to be committed in relation to any child or young person within its jurisdiction, the court may cause the production of such child or young person by a search warrant and the provisions of the Code of Criminal Procedure, 1904, shall apply to such warrant as if it were under section 100 of the said Code.

Bond by parent or guardian.

52. (i) If any court empowered under section 6, after such enquiry as the court thinks reasonable, is of opinion that any child or young person is allowed by the parent or guardian to be in circumstances conducive to the commission of an offence under section 47 or 48 or 49, the court may, after giving the parent or guardian an opportunity of being heard, require such parent or guardian to enter into a bond with or without sureties to exercise proper care to prevent the commission of any such offence in relation to such child or young person and in default of his furnishing such security, the court may order him to suffer simple imprisonment for a term which may extend to six months or to pay a fine which may extend to rupees one hundred.

(ii) The provisions of sections 513, 514, 514-A and 516 of the Code of Criminal Procedure, 1904, shall, so far as may be, apply to bonds taken under this section.

Power to make custody order or send any child or young person to Borstal School.

53. Where the parent or guardian of any child or young person is convicted of an offence under section 47 or 48 or 49 or under Chapter XVI of the Indian Penal Code, 1860, as in force in Mysore, in relation to such child or young person, the court shall have power (in addition to powers of sentencing the offender) to make a custody order in respect of such child or young person to send him to a Borstal School as if he were dealt with under Part II.

MIRZA M. ISMAIL,
Dewan.

Printed by the Superintendent at the Government Press, Bangalore.

Serial No.

Lawlessness

Illegal Associations Act XIV of 1939

(1) Have any persons been arrested under Sec 4 of the Act?

(2) The Act has not yet been brought into force by a notification under Sec 1(2).

Apparently one of the reasons is that no Borstal School has been established or recognised under Sec (3).

I understand that the Industrial school at Chitaldrug is close to the Dt Lock-up there & that it would be quite feasible to convert the Dt Lock-up at Chitaldrug into a Borstal School (abandoning the Industrial School). Please call for a report from the D.G. of Prisons in this matter, & request him to inspect & visit Chitaldrug with the Hon'ble Dr & investigate this matter with the D Magistrate also.

Please write enquiring of D.G. Police whether Sec 4 & the Dt Magistrate thereof and 4A of the Act may not be notified & applied in the Cities of Bangalore & Mysore, independently of the bringing into operation of the rest of the Act.

17-10-41

17/10/41

17/10

OFFICE OF THE MINISTER FOR LAW
OCT 17 1941
No

215 & 641

PRISONS

Juveniles Act: Borstal School

General and Revenue Secretariat
of 194 .

Respectfully Submitted:

1) No rules have been issued under section 4 of the Act

Two drafts letters are submitted for approval.

2) 22/10/41

3) Mr Scrutiny Bro. "
Mr C): 5) 24/10/41

6) For approval.
Mr
23/10

Law Secy)

7) Hm
23/10/41

8) Issue
Mr
23/10

SECY. LAW DEPT.
23 OCT 1941
MYSORE

Issued letter No P 1627 dated 24-10-1941 to the Dy of Police Cooperg of it to the Director of Industries & Commerce and to the District Magistrate, Chitaldrug Dist)

Issued letter No. P 1622 dated 24-10-1941 to the Dy of Police Cooperg to the District Magistrate, Bangalore & Mysore Dists and to the Municipal Commr. Bangalore city and President, Mysore city Mcty)

Sec A
24/10/41

From

The Dist Magte, Mysore Dist.

PRISONS

Application of Juvenile Act to Ch

2526
2621

General and Revenue Secretariat | File No. | of 194 . | [App. F. III—2

Serial No.

From the D.M. Tuticorin

Letter No. C.L. 257 of 41-42 dated nil stating that Sections 47 & 48 may be made applicable to the city of Mysore and that Sections 49 & 52 also may be applied to for the reasons stated.

9) Submitted for kind perusal. Replies are due from the Dist Magte, Bangalore Dist, the Dy of Police and the Municipal authorities of both the cities to whom reminders is submitted for approval.

10) Issue Now 12/4

6
11/11/41

Sub A
14/11/41.

Issued letter No. P 1954-7 dated 12-11-1941

from

The Dy of Police

Letter No. C. 471/41-42 dated 12-11-1941 stating the course proposed seems feasible provided Sections 50 & 52 are also introduced at the same time

11) Submitted for kind perusal. Replies from the remaining offices may be awaited. They have been reminded on the 12 instant.

12) Issue Now 15/11

6
14/11/41

Sub H
15/11/41

No. H. Contd. Sheet.

PRISONS

Juvenile Act — 2718

File No. of 194 . | General and Revenue Secretariat.

Serial No.

From The Dist Magte. Bangalore Dist
Letter No. J.L. 669/41-42 dated
18th Nov 1941 stating that he is in
favour of the application of the
Section with effect from 1st Dec 1941
and that Section 1, 2 & 6 of Part
I & Section 38 of Part VIII of
the Act may also be introduced
Simultaneously.

— 11 —

Submitted for kind perusal. Replies
are due from the President City
Mlty Mysore & the Municipal
Comrs., Bangalore city
Draft reminder D Item is
submitted for appl.

1/11/41 14) Issue

Issued letter No. P 21689 dated 25.11.1941
to the President, City Mlty. Mysore & Ml
Comrs., Bangalore city

From
The President, City Ml Council
Mysore.

Letter No. G.T. 1252 dated 29.11.1941
Stating that he sees no objection to the

21.A
28/11/41

PRISONS

Applcn of Juvenile Act – 2942/6 Cits

General and Revenue Secretariat | File No. | of 194 | [App. F. III-2

Serial No.

applicatn of Sections 47 & 48 of the Juvenile Act to the Cits of Bangalore & Mysore and that Sections 49 to 52 of the said Act which are concomitant on the two sections, may also be made applicable simultaneously.

— // —

15) Submitted for kind perusal. Final reply is due from the Municipal Commissioner, Bangalore city who has informed that he is placing matter before the Mcl Commee & that he will send a reply thereafter. This reply may perhaps be awaited.

SEC. LAW DEPT. 2 DEC 1941 GOVT MYSORE

4/12 Ack. 4/12 (Sd) Secy)

— —

17) 3-12-41.

From

The D. G of Prisons,

Letter No 547-6 dated 6th Dec 1941 forwarding a copy of his notes submitted at Chitaldrug to the Law Minister regarding the Conversion of the Lock-up there into a Borstal School.

— // —

18) Submitted: Kind reference is invited to the

PRISONS 27/12/41 2942

Borstal School

3113

File No. of 194 . General and Revenue Secretariat

Serial No.

Law Minister's Minute dated 17-10-1941 at para 2 of the notes supra.

The D.G. of Prisons has given reasons showing that the proposal to start a Borstal School in the lock-up at Chitaldrug is not feasible. But he has not suggested any alternative proposal.

If approved, he may be asked to send up proposals for starting a School according to his own views.

Submitted for orders.

8/12/41

C.S. regards the application of Section 4 (2) (b) of the Juvenile Act to the cities replies due only from the Mc. Corp., Bangalore city and the question will be examined & submitted for orders on receipt of the same.)

19) The D.G. of Prisons may perhaps be requested to send in an alternative proposal.

MVV 9/12

Law Secy.

20) For perusal

Minister for Law) 21) Yes.

Hm 11.12.41. MVV 11/12

11/12

Hm 2 11.12.41 MVV 11/12

PRISONS 3113/C

Borstal School

General and Revenue Secretariat

File No. of 194 . [App. F. III—2

Serial No.

22) Draft letr to the Dir of Prisons is submitted for app

6/11/12/41

23) ✓ 14/12/41

Issued letr No P265/dated 13.12.1941 to the Dir of Prisons

From

The Municipal Commissioner, Bangalore a. Letr No. C.2.C.435 dated 23rd Dec 1941 forwarding a copy of the resolution of the Municipal Council regarding the application of sections 47 & 48 of the Juvenile Act to the Bangalore city.

—11—

24) Submitted: The resolution shows that the Mnl Council have no objection to the proposed application of Section 47 & 48 of the Juvenile Act to the city.

The Dist Magte, Mysore Dist and the President, Municipal Council, Mysore city are of opinion that along with Section 47 & 48 Sections 49 to 52 may have to be applied as the latter Sections are complementary to them and the Dir of Police also is of opinion that Sections 50 to 52 may be applied together with Section 47 & 48. The Dist Magte, Bangalore Dist suggests that Sections 1, 2 & 6 of Part I

TYPING SC 13 DEC 1941 REV. SECTT.

12/12/12

WD 04165—GPB—55,000—23-10-41

PRISONS 113 3498

Applcn of Juvenile Act

File No. of 194 . General and Revenue Secretariat.

Serial No.

and Section 38 of Part VIII may also be applied.

Sections 47 to 52 provide for the duties of parents in respect of their responsibility to their children.

Sections 1, 2 & 6 of Part I & Section 38 of Part VIII relate to the definition of the terms and the Courts that can try offences respectively.

The application of these Sections would imply and also necessitate the opening of a Borstal School for which proposals have been called for from the Dist Magts.

Submitted for orders with reference para 3 of the notes Supra, if these Sections may be applied in the two cities.

Veer

25) All those who were consulted, Viz, the I.G. of Police, the Dist Magtes of Mysore and Bangalore, the President of the Mysore City Municipality and the Municipal Council Bangalore, are in favour of sections 47 and 48 of the Juveniles Act being introduced in the two cities.

PRISONS
348

Applcn of Juveniles Act — cths

General and Revenue Secretariat | File No. | of 193 | [App. F. III-2

Serial No.

JAN 7 1942
6922.

The introduction of these two sections with as a consequence necessitate the introduction of section 50, 51 and 52 as offered by the Dist Magte and the S.P. of Police and the starting of a Borstal School for the reception of children, for which proposals have been invited from the S.P. of Prisons

The Dist Magte of Mysore and the President, Mysore City Municipal Council, are in favour of introducing Section 44 also which makes the furnishing of children to frequent-brothels an offence.

Since a Borstal school is necessary before the sections are introduced the S.P.'s proposals in that behalf may perhaps be awaited.

MRW
6/1/42

Yes. /

SECY. LAW DEPT. 166 6 JAN. 1942 GOVT OF MYSORE

Law Secy)
2B) For perusal
Minister for Law.)

Hm
2
7.1.42

27) Remarks requested, sending MRW 7/1/42
three Copies of these Opinions for the Urgency

Hm
7-1-42

Hm
2
8.1.42

NOTE—Contn. Sheet.

PRISONS

3498 Juvenile Act — Borstal School

e No. of 193 .

~~General and Revenue~~ Secretariat.

Serial No.

Draft ltr to Dep Insp Prisons is submitted for appr.

29) Issue May 18/1/42

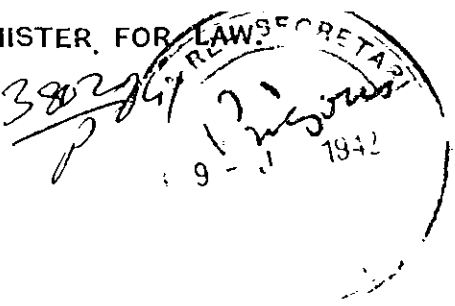
8/1 Tar

13 Jan

Sec A 15/1

158 and ltr No. P 3226 dated 15-1-42 to the Insp Prisons.

OFFICE OF THE MINISTER FOR LAW



3802/41
P 3286

M
9/1/41 He is interested in Children's Aid Society & reclamation work. He is preparing a scheme under the auspices of the Civic & Social Assoc^n. He have told him to see the Ld of Premises also. You may give him weight any help he applies for the Ld of Premises may be allowing

Hm
9-1-42

Law Secy (WC)

Hm
2
9.1.42

Draft letter to the Ld of Premises is submitted for appl.

Referred back Law Secy 3/1/41

Hm
2
19.1.42

Hm
19/1/42

Free Letter No. P 3286
dated 19-1-1942

(*To be written on this margin.*)

GEN. REGISTRY
14 FEB. 1942
L. S. O. BRANCH

OFFICE OF THE
MINISTER FOR LAW.

NOTE 4681/L

Dated 13 2 *1942*

30) Law Sec.

Please see the
endorsement of
Human Affairs & Safety
thereon re the Beggar Problem Mtr
Young Delinquents.

Please expedite action
in respect of (2).
Submit (1) to Minister
for L-S Q.

Please get the copy
of the Book reviewed on
Feb 23.

13/2

FEB 14 1942

General and Revenue Secretariat

Borstal School —

File No. of 194 . [App. F. III—2

Serial No.

Draft received to Secy Dir of Prisons is submitted for appl.

9/2/42.

Issued MRV 9/3

Issued letter No. P&I 65 dated 10.3.42

From Secy Dir of Prisons,

Letter No. 547-15 dated 17th April 42 requesting to be informed whether Govt's submission of his proposals in the matter may be kept back till after the close of the war.

— II —

Submitted: Kind reference is invited to orders at paras 1 to 4, 21 & 27 of the note supra. It is for orders if the Dir may be told that he may send in his proposal after the close of the war.

This may be taken up after the War.

Law Secretary 3/4/42

21/Aftr.

The suggestion of the D.G. of Prisons may be accepted.

Minister for Law). Hon 2 23-4-42

Dewan). Re 3 23/4/42

24/7/42

WD 04155—GPB—55,000—23-12-41

Will 25/4/42 Re Hon 2 25-4-42

PRISONS

Borstal School

File No. of 194 .

General and Revenue Secretariat.

Serial No.

Draft reply to see Dir of Prisons is submitted for approval.

Issue Now 27/4

Taffer.

Issued Letter No. P4873 dated 27th April 1942 to the Dir of Prisons.

G.

28/4.

Appendix F G—1]

SUBJECT .....

.....

.....

2 Confdl

Section Pris

File No. 29-41

Serial No. 1

Diary No. of letter replied to.....

No. P 1622

To

General and Revenue Secretariat

( )

the *19* .

The Dy of Police

Subject:— Application of Sections 47 & 48 of the Juvenile Act XIV of 1939, to the cities of Bangalore & Mysore

Date of issue..... 24/10/41

Signed by ..... Mr

Sir,

I am directed to request whether Sections 47 & 48 of the Juvenile Act may not be notified to apply in the cities of Bangalore & Mysore independently of the bringing into operation of the rest of the Act.

List of enclosures.....

Copied by ..... Revd

Examined by .....

A copy of this letter has also been sent to the District Magistrate of Bangalore & Mysore Districts, the Municipal Commr., Bangalore city and the President, Mysore city Mdly for furnishing their views in the matter.

I have etc,

Hon 23/10/41.

for Secy to Govt, Law Dept.

Memo No. P. Mun 220/40 B23 — 6th of even date

Copy of the above is forwarded with Compliments to the District Magistrate Bangalore & Mysore Districts, the Municipal Commissioner, Bangalore city & President, Mysore city Mdly for favour of furnishing their opinion in the matter at a very early date.

for Secy to Govt, Law Dept.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P. 1622 / Prio 20-41-1

Dated, Bangalore, 24th October 1941.

From

The Secretary to the Government of His Highness the Maharaja of Mysore,
Law Department.

To

The Inspector-General of Police in Mysore.

Subject: Application of sections 47 and 48 of the Juveniles Act XIV of 1939, to the cities of Bangalore and Mysore.

S i r,

I am directed to enquire whether sections 47 and 48 of the Juveniles Act may not be notified to apply in the cities of Bangalore and Mysore independently of the bringing into operation of the rest of the Act.

A copy of this letter has also been sent to the District Magistrates of Bangalore and Mysore Districts, the Municipal Commissioner, Bangalore City and the President, Mysore City Municipality for furnishing their views in the matter.

I have the honour to be,
Sir,
Your most obedient servant,

Sd/- H.V.NARAYANA RAO.

SECRETARY TO GOVERNMENT.
LAW DEPARTMENT.

Memo No.P. 1623-26
Dated, Bangalore, the 24th October 1941.

Copy of the above is forwarded with compliments to the Dist. Magistrate Bangalore & Mysore, Municipal Comm. Bangalore City & the President M.C. Mysore for favour of furnishing their opinion in the matter at a very early date.

By Order,

MVR 24/10

For SECRETARY TO GOVERNMENT.
LAW DEPARTMENT.

P. 1627
2 drafts

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*

Pris 20-4-2
2 Secretary

The D. C. of Prisons,

Subject:- Conversion of the District lock-up at Chitaldrug into a Borstal School absorbing the Industrial School there

Sir

I am directed to state that Govt have been pleased to observe that it would be quite feasible to convert the District lock up at Chitaldrug into a Borstal School, absorbing the Industrial School there which is close to the District lock-up

I am to request you therefore, to be so good as to visit Chitaldrug with the Director of Industries, to Commerce and investigate the matter with the District Magistrate also and submit

proposals to Govt as early as
possible

A copy of this letter
has also been sent to the
Director of Industries & Commerce
and the District Magistrate,
Chitaldrug Dist for information
and necessary action.

Yours

for Secy to Govt, Law Dept.

Memo No. P: 1628-9 dt 24/10/41

Copy of the above is forwarded
with compliments to the Director
of Industries & Commerce & the
District Magistrate, Chitaldrug Dist.
for information & necessary action.

for Secy to Govt, Law Dept.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 24th October 1941.

No. P. 1627
Pris 20-41-V

From

The Secretary to the Government of His Highness the Maharaja of Mysore,
Law Department.

To

The Inspector-General of Prisons in Mysore.

Subject: Conversion of the District Lock-up At Chitaldrug into a Borstal School absorbing the Industrial School there.

Sir,

I am directed to state that Government have been pleased to observe that it would be quite feasible to convert the District Lock-up at Chitaldrug into a Borstal School, absorbing the Industrial School there which is close to the District Lock-up.

I am to request you therefore to be so good as to visit Chitaldrug with the Director of Industries and Commerce and investigate the matter with the District Magistrate also and submit proposals to Government as early as possible.

A copy of this letter has also been sent to the Director of Industries and Commerce and the District Magistrate, Chitaldrug District, for information and necessary action.

I have the honour to be,
Sir,
Your most obedient servant,

Sd/- H.V.NARAYANA RAO.

SECRETARY TO GOVERNMENT.
LAW DEPARTMENT.

TN-4)

Memo No.P. 1628-9
Dated, Bangalore, the 24th October 1941.

Copy of the above is forwarded with compliments to the Director of Industries and Commerce in Mysore, for information and necessary action.

By Order,

For Secretary to Govt. Law Department

D.O. No. 74 — 2333

Rajasevaprasakta
V. RAMANATHAN, B.A.,
Minister for Law.

PUBLIC OFFICES,
Bangalore, 29th October 1941.

Prisons 20-41-3

My dear Sastry,
Dear Dr. Monteiro,

2/11.10.41.

I send enclosed copy of my letter No. 71 dated 29th October 1941 to the Deputy Commissioner, Chitaldroog District, about my intended tour in the District between 21st and 27th. I propose examining the question of the feasibility of establishing a Borstal school at Chitaldroog during my visit.

Yours sincerely,
Signed/ A.V. Ramanathan.

The Director of Industries and Commerce,
The Inspector General of Prisons in Mysore.

Copy forwarded with compliments to the Law Secretary to Government.

MINISTER FOR LAW.

Pris 20.41.4.

DISTRICT MAGISTRATE.

OFFICE OF THE ~~DEPUTY COMMISSIONER~~

MYSORE DISTRICT,

2526/41

No. G1-254 of 41-42
Encl.

Dated, Mysore, the 194

SECRETARIAT
10 NOV 1941

FROM

K. SUBBA RAO, ESQ., B.A.,
~~Deputy Commissioner~~, *Mysore District,*
District Magistrate, *MYSORE.*

SECY. LAW DEPT
10 NOV. 1941
GOVT OF MYSORE

To

H.V. NARAYANA RAO, ESQ., B.A.,LL.B.,
Secretary to the Government of Mysore,
(Law Department), *BANGALORE.*

3
10/11/41 SIR,

Subject:- Application of Sections 47 and 48 of the - Juveniles Act XIV of 1939 to the Cities of Mysore and Bangalore.

With reference to your letter No.P 1622 Pris 19-41-1 dated 24th October 1941, calling for my views on the above subject, I have the honour to state that Sections 47 and 48 of the Act may be made applicable to the City of Mysore but I am of opinion that Sections 49,50, 51 and 52 of the Act may also be made to apply as they are concomitant with Sections 47 and 48 and necessary for giving effect to the provisions of those two sections.

I have the honour to be,
Sir,
Your most obedient servant,

For District Magistrate,
Mysore District.

J Jus 28-41-5

264/41

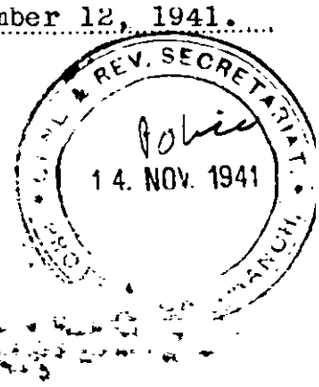
Tele { gram : POLICE
phone : 2108

POLICE DEPARTMENT.

OFFICE OF THE
INSPECTOR-GENERAL OF POLICE IN MYSORE,

No. C.471/41-42.

Bangalore, dated November 12, 1941.



FROM

E. G. B. PEEL, ESQ., C.I.E.,
Inspector-General of Police in Mysore,
Bangalore.

To

The Secretary
to the Government of Mysore,
Law Department, Bangalore.

14/11

Application of section 47 and 48 of the Juveniles Act XIV of 1939 to the Cities of Bangalore and Mysore.

Sir,

In reply to your letter No.P.1622/Pris.19-41-1 dated 24th October 1941, I have the honor to state that the course proposed seems feasible, provided that Sections 50 to 52 of the Act are also introduced at the same time.

I have the honor to be,
Sir,
Your most obedient servant,

INSPECTOR GENERAL OF POLICE.

BANGALORE CITY MUNICIPALITY

No.C2.C.435 MUNICIPAL OFFICE

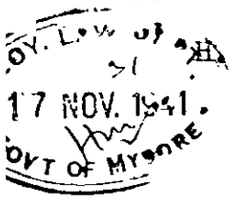
Encl. Bangalore 15th November 1941.

Pris 20-41-6.

From

ABDUL AZIZ KHAN, ESQ., B.A.,
MUNICIPAL COMMISSIONER,
BANGALORE CITY.

To



H. V. Narayana Rao, Esq., B.A., LL.B
SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE,
LAW DEPARTMENT, BANGALORE.

SIR,

Subject:-Application of certain sections of the Juvenile to the Cities of Mysore and Bangalore.

--:oOo:--

With reference to your letter No.P.1954-7 dated 12-11-194 on the above subject, I have the honour to state that the question is being examined with reference to the Act and a reply will be se very early.

Submitted for kind perusal. A reminder will be issued after a week, if appd.

17/11

2/11/41 Law Secy

I have the honour to be,

S i r,

Your most obedient servant

Municipal Commissioner.

Dated Bangalore, the 18th November 1941

-0- 41-7.

REV. SECRETARIAT
20 NOV. 1941

M. Seshadri, Esq., M.A., I.C.S.,
District Magistrate,
Bangalore District.

To

SECY. LAW DEPT.
20 NOV. 1941
GOVT OF MYSORE

H.V. Narayana Rao, Esq., B.A., LL.B.,
Secretary to Government,
Law Department,
Bangalore.

SIR,

Subject:— Application of Sec. 47 and 48 of the Juveniles Act, XIV 1939, to the Cities of Bangalore and Mysore.

With reference to your memo No.P. 1623-6 dated 24-10-41 asking for my opinion as to whether Sections 47 and 48 of the Juveniles Act may not be notified to apply to the Cities of Bangalore and Mysore independently of the bringing into operation of the rest of the Act, I have the honour to state that I am in favour of a notification being issued applying the said Sections with effect from 1st December 1941.

I venture to suggest that Sections 1, 2 and 6 of Part I

and 38 of Part VIII may also be introduced simultaneously.

I have the honour to be,

Sir;

Your most obedient servant,

District Magistrate,
Bangalore District.

BMB

3113/41

Office of the Inspector-General of Prisons in Mysore.

Bangalore, dated the 6th December 1941.

No. 547-6.
Enc. Encl.1

(Pris 20-41-8.

FROM

V. V. MONTEIRO, ESQ., M.B.,B.S., F.R.F.P.S. (GLAS.), L.D.S. (ENG.),
Offg. *Inspector-General of Prisons in Mysore,*
BANGALORE.

To

The Secretary to the Government of H H the Maharaja of Mysore, Law Department, Bangalore.

Sir,

Subject:- Conversion of the District Lockup at Chitaldrug into a Borstal School absorbing the Industrial School there.

With reference to your letter No.P.1627/Pris. 20-41-1 dated the 24th October and in continuation of my letter No.547-5 dated the 2nd December 1941, I have the honour to state that on 3rd December, I visited Chitaldrug and inspected the District Lockup and the Industrial School there, to find out whether these Institutions would be suitable for a Borstal School. I herein enclose a copy of my notes submitted at Chitaldrug, to the Minister for law.

I have the honour to be,
Sir,
Your most obedient servant,

Offg. Inspector General of Prisons.

SUBJECT - CONVERSION OF THE DISTRICT LOCKUP AT C"ITALDRUG INTO A BORSTAL SCHOOL ABSORBING THE INDUSTRIAL SCHOOL THERE.

****

SUBMITTED.

In company with the Director of Industries and Commerce and the District Magistrate, I inspected today the District Lock-up and the Industrial School which adjoins it, with the object of ascertaining the suitability of these Institutions for the purposes of a Borstal School. The inspections leads me to conclude that the proposal is not a feasible one for the following reasons:-

1) Even though the Industrial School may serve to train about - 50 to 75 boys in artisan Courses, it is inadequate for all the youthful offenders now under confinement. Further there is no space for expansion. Even for an Industrial School the present accommodation strikes me as a make shift arrangement.

2) Thelockup itself is intended for the confinement of 58 Prisoners of all classes. A borstal School needs considerably more accommodation and certainly a more varied one than for a - Prison. Play grounds, dormitory, Class room, dining hall, Study room, recreation hall etc., will be the requirements of a Borstal School.

3) The Tradition of the building of having been built and used for as a Jail may not be a happy psychological back-ground to the youthful minds.

4) The District Magistrate gives me to understand - and I concur with him - that the present Lock-up buildings is a definite requirement and cannot therefore be surrendered unless a new Lock-up is built.

Sd. V.V. Monteiro

Camp,Chitaldrug,

3rd December 1941. OFFG. INSPECTOR GENERAL OF PRISONS.

" Copy."

Offg. Inspector General of Prisons.

Pris 21-41-9

2942/41

OFFICE OF THE PRESIDENT,
CITY MUNICIPAL COUNCIL, MYSORE.

No. G.T.1252 29-11-41

Dated 29th November 1941

SECY. & REV. SECRETARY
1. DEC. 1941
Pahee

From B.S.Raghavendra Rao, Esq., M.A.,(Hons),
~~M.NAVANEETHAM NAIDU, Esq.,~~
PRESIDENT, CITY MUNICIPAL COUNCIL,
MYSORE.

SECY. LAW DEPT.
1 DEC. 1941
GOVT. MYSORE

H.V.Narayana Rao, Esq., B.A.,LL.B.,
Secretary to Government,
Law Department,
Bangalore.

Sir,

With reference to your Memo No.P.1623-6 dated 24-10-1941 forwarding copy of letter No.P.1622 Pris.19-41-1 dated 24-10-1941, to furnish my opinion in the matter of application of sections 47 and 48 of the Juveniles Act XIV of 1939, to the cities of Bangalore and Mysore, I have the honour to state that I am of opinion that I do not see any objections to these sections being made applicable to the Mysore City and that if this is done sections 49,50,51 &52 which are concomitant on these may also be made applicable simultaneously.

I have the honour to be,

Sir,

Your most obedient servant,

B.S.Raghavendra Rao

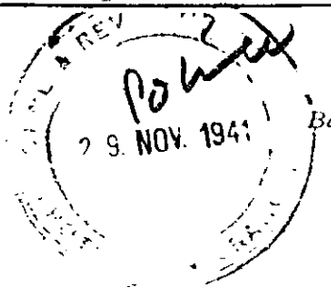
President. 29/11

2 12 1941 P.

BANGALORE CITY MUNICIPALITY

No. C2.C.435

Encl.

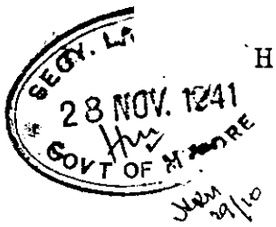


MUNICIPAL OFFICES.

Bangalore 28th November 1941.

From

ABDUL AZIZ KHAN, ESQ., B.A.,
MUNICIPAL COMMISSIONER,
BANGALORE CITY.



H. V. Narayana Rao, Esq., B.A., LL.B.,
SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE,
LAW DEPARTMENT, BANGALORE.

SIR,

With reference to your letter No.P.2168-9/Pol. dated 25-11-1941, re. the application of certain sections of the Juvenile Act to the Cities of Bangalore and Mysore, I have the honour to intimate that the subject is before the Municipal Council which meets on 13-12-1941 and their decision will be intimated soon after.

I have the honour to be,

S i r,

Your most obedient servant,

Municipal Commissioner.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE -

General and Revenue Secretariat

No. P2651 *Dated, Bangalore,* 13th December 1941.

FROM

The Secretary to the Government of His Highness
the Maharaja of Mysore.
Law Department.

To

The Inspector-General of Prisons in Mysore,
Bangalore.

Subject:- Conversion of the District Lock-Up at Chitaldrug into a Borstal School absorbing the Industrial School there.

...

Sir,

I am directed to invite reference to the correspondence ending with your letter No.547-G dated 6th December 1941 on the above subject stating that the Lock-Up and the Industrial School buildings inspected by you are not suitable for starting a Borstal School.

I am to request you to suggest any alternative proposal in this respect at an early date.

I have the honour to be,
Sir,
Your most obedient servant,

for Secretary to Government,
Law Department.

Appendix F G—1]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *19* .

Date of issue..... 13/12/41

Signed by Sgn. K.P.P.

List of enclosures.....

Copied by .....

Examined by .....

Section

File No.

Serial No.

No. P2651

To

The Dy of Pons.

Subject:— Conversion of the Dis hostel at Anuradhapura into a Borstal School & closing the Industrial School there

Sir,

I am directed to invite reference to the correspondence ending with your C.M.P. No 547-6 dated 6th December 1941 on the above subject stating that the hostel and the Industrial School / building inspected by you are not suitable for starting a Borstal School.

I am to request you to

~~Corporation~~ to ~~forward~~ reflect any alternative proposal ~~for starting a Board School~~ in this respect at an early date.

Initial 1/12/64

Dhanu Chi
3

for Secy to Govt., Local Dept.

3498 34/ P

BANGALORE CITY MUNICIPALITY

C2.C.435

MUNICIPAL OFFICES.

Bangalore 23rd December 1941.

From

ABDUL AZIZ KHAN, ESQ., B.A.,
MUNICIPAL COMMISSIONER,
BANGALORE CITY.

SECY. LAW DEPT. GOVT

To

H. V. Narayana Rao, Esq., B.A., LL.B.,
SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE,
LAW DEPARTMENT, BANGALORE.

SIR,

In continuation of my letter No.C2.C.435 dated 28-11-1941, I have the honour to forward herewith for favour of information Government, a copy of resolution of the Municipal Council held on 18-12-1941 re. the application of Sections 47 and 48 of the Juveniles Act XIV of 1939, to the City of Bangalore.

I have the Honour to be,
S i r,
Your most obedient servant,

Forwarded with compliments.

Honorary President.

Municipal Commissioner.

Minutes of the Proceedings of the adjourned Ordinary General Council Meeting of the City Municipality, Bangalore, held on ~~Thursday~~ Thursday the 18th December 1941 at 5 p.m. in the Council Chamber of the City Municipal Offices, Bangalore.

--:oOo:--

Present

W. H. Hanumanthappa, Esqr.,

Hon. President.

Messrs.
1. V. K. Govindarajulu, B.A., B.L.
2. R. Subbanna
3. N. Lasavaiengar, B.A., B.L.
4. Ramalal Thiwari
5. L. S. Raju, M.A. (Hons.), B.L.
6. V. Venkataramanappa
7. G. Manjappa
8. K. Hanumanthiah, B.A., LL.B.
9. T. Gangadharaswamy
10. B. Narasimhiah
11. V. Venkataswami Chetty
12. K. Gangasetty
13. K.N. Ramaswami, B.A.
14. M.A. Gopalaswami Iyengar, M.A., LL.B.
15. M. K. Honnappa, B.A., B.L.
16. M.K. Narayana Iyengar, B.A., B.L.
17. H.C. Suryanarayana Rao
18. B. Subbiah, B.Sc., LL.B.
19. S.N.H. Razvi
20. A.J. Khaleel, B.A., B.L.
21. V. Chikkayellappa
22. K. Shamrajaiengar, B.A.

Absent

Messrs.
1. C.N. Narasinga Rao, B.A., B.L.
2. H.R. Guruv Reddy, B.A., LL.B.
3. Kota Kamakshiah Setty
4. O.S. Nasarulla Sheriff, B.A., LL.B.
5. Mirza M. Azeezulla Beig
6. M. Royan, M.L.
7. Vacant.

--:oOo:--

Subject No.24.-

Commissioner's memo that Sections 47 and 48 of the Juveniles Act XIV of 1939 may be made applicable to the City of Bangalore, as suggested by the Inspector General of Police.

Resolution:- Vide typed copy enclosed.

Council Proceedings dated 18/12/1941.

Ordy.Subj.No.24.

Mr. G. Hanjappa observed that the idea of introducing th two sections was no doubt good but they should first think of t implications of the sections before enforcing them. He said th Sec. 47 which prevented the parents from illtreating their chil may be approved but re. the other, in his opinion, it was not desirable that they should hold the parents responsible for the deeds committed by the children. He also observed that this c country being a poor one, it was necessary that they should mak ample provision for protection of children who will be left ast and till it is done, it was better the enforcement of the sectio are kept by.

The President observed that for any act to be enforced the penal section is necessary but it may be considered whether the enforcement of the Act could not be withheld for 2 years.

Mr. L. S. Raju next observed that there was nothing undesi in the two sections and sufficient precautions had been taken i the sections to prevent the undue hardship caused by their enfo ment.

Res:- May be approved, but re. enforcement, discretion sh be used and undue hardship should be avoided.

Sd/-. W. H. Hanumanthapp

Hon.President

--:oOo:--

"C o p y"

Municipal Commissioner.

IMMEDIATE.

anuary 1942.

The Inspector-General of Prisons in Mysore,

Bangalore.

Subject: Starting a Borstal School.

S i r,

I am directed to invite reference to the correspondence ending with this office letter No.P.2651 dated 13th December 1941 on the above subject and to enclose herein copies of opinions

District Magistrates of Mysore and Bangalore Districts. Municipal authorities of Mysore and Bangalore Cities. The Inspector General of Police in Mysore.	received from the marginally* noted officers urging the need for the application and enforcement of certain

provisions of the Juveniles Act in the City areas immediately.

I am to request you also to kindly forward your proposals for starting a Borstal School immediately, as the matter is urgent.

I have the honour to be,

Sir,

Your most obedient servant,

15/1/42

For Secretary to Government.
Law Department.

Appendix F G—1]

SUBJECT .....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the 19 .

Date of issue 15.1.42

Signed by Dy. Sec. to G.

To Dirs of Mysore & Bangalore
DCs
Municipal authorities of Mysore
& Bangalore cities
The Dep of Police.

List of enclosures .....

Copied by .....

Examined by .....

Section IMMEDIATE

File No.

Serial No.

No. P3226/Sec 1.

To

The D. C. of Police.

Subject:— Starting a Borstal School.

Sir,

I am directed to invite reference to the correspondence ending with this office letter No. P 2657 dated 18th Dec 1941 on the above subject and to enclose herein for your copy a copy of opinion received from the Dist Magistrate, Kolar, urging the need for the application of certain provisions of the Enforcement of Children Act in the city area immediately.

I am to request you to state that the

~~matter is one of urgency and~~
~~Govt would feel glad if~~
kindly forward your
~~you can submit~~ proposals
Bordeaux
for starting a school immediately, as the matter is urgent

Thanks eh,

6/1/42

Seen
13/1/42
for Secy to Govt, Law Dept

No. P3286.

19th January 1942.

The Inspector-General of Prisons in Mysore,
Bangalore.

S i r,

I am directed to state that Mr.Peter Strethill Wright, of the University Settlement, Bangalore is interested in Childrens' Aid Society and reclamation work. He is preparing a scheme under the auspices of the Civic and Social Association and in that connection he has been requested by Government to see you and obtain any help he may require on this behalf.

I have the honour to be,
Sir,
your most obedient servant,

For Secretary to Government,
Law Department.

Appendix F G—1]

SUBJECT .....

.....

.....

Section

File No.

Serial No.

Diary No. of letter replied to.....

No. P3286.

To

The Hon'ble Prime,

General and Revenue Secretariat

( )

the *19* .

Sir,

I am directed to state that Mr. Peter Strethill Wright, The University Settlement, Bangalore is interested in Children's Aid Society & reclamation work. He is preparing a scheme under the auspices of the Civic & Social Association and for which has been requested to grant him an interview to see you & obtain any help he may require on his behalf.

Date of issue 19.1.42

Signed by Asst. K.P.P. of

List of enclosures .....

Copied by .....

Examined by .....

WD 086—GPB—40,000—30-7-40

To Secretary to Govt. Labour Dept.

Senorgen.
No. 2462.

547-10

4161/P

Office of the Inspector-General of Prisons in Mysore.

Bangalore, dated the 26th January 1942 .
27

V. V. MONTEIRO, Esq., M.B.B.S., F.R.F.P.S. (GLAS.), L.D.S (ENG.),
Offg. *Inspector-General of Prisons in Mysore,*
BANGALORE.

GOVT. LAW DEPT.
27 JAN. 1942
GOVT OF MYSORE

The Secretary to the Government of H.H.
the Maharaja of Mysore, Law Department,
Bangalore.

Sir,

Subject:- Starting a Borstal School.

With reference to the correspondence ending with your letter No. P. 3226/Pris. dated the 15th January 1942 on the above subject, I have the honour to state that a scheme embodying my suggestions regarding the selection of a suitable place for the location of the Borstal School, the accommodation to be provided, the Industries to be started, the craft and literacy training to be given, the expenditure - initial and recurring - to be incurred, and the other connected factors, is being drafted and will be submitted to Government as soon as possible.

I have the honour to be,
Sir,
Your most obedient servant,

Offg. Inspector-General of Prisons.

Submitted for Kind perusal.
A reminder will be issued on the 5th Feby, if no report is received by that time.

31/1/42

15-2-41

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

To

The Dist Supdt of Police,

Subject: Starting a Borstal School

Sir,

I am directed to make reference to the correspondence ending with your letter No. 5747-10 dated 27th January 1942 on the above subject and to request you to send a forward proposals in the matter at an early date.

I have etc

9/3/42

for Secy to Govt, Home,

579/41
P

gram : Jenorgen.
phone : No 2462.

Office of the Inspector-General of Prisons in Mysore.

Bangalore, dated the 16th April *1942*.

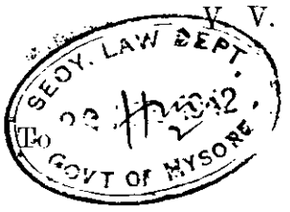
No. S47-15
Enc.

Pris 21-41-10.

17/4

FROM

V. V. MONTEIRO, ESQ., M.B.B.S., F.R.F.P.S. (GLAS.), L.D.S (ENG.),
Offg. *Inspector-General of Prisons in Mysore,*
BANGALORE.



To

The Secretary to the Government of H.H.
the Maharaja of Mysore, Law Department,
Bangalore.

Sir,

Subject:- Starting a Borstal School.

With reference to the correspondence ending with your letter No. P. 4165 dated the 10th March 1942, I have the honour to state that the starting of a Borstal School in the State involves a heavy additional cost to Government. I request instructions whether the submission of my proposals on the subject may be kept back till after the close of the war as required under item 7 of the Government Order No. Fl. 6116-64/G.F. 268-41-1 dated the 6th April 1942.

The favour of an early reply is requested.

I have the honour to be,
Sir,
Your most obedient servant,

Monteiro

Appen dix F G—1]

SUBJ ECT.....

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Section Poris

File No. 20-41

Serial No. 11

Diary No. of letter replied to.....

No. P4873

To

General and Revenue Secretariat

( )

the *19* .

The Dis of Poris.

Subject:- Opening a Bordal School

Date of issue 27.4.42

Signed by Mr. M.K.R

Sir,

I am directed to invite reference to the correspondence ending with your letter No 547-15 dated 7th April 1942 on the above subject and to state that your proposals may be kept back till after the Close of War as suggested by you.

I have etc,

List of enclosures.....

Copied by .....

Examined by .....

WD 086 GPB—40,000—30-7-40

27/April

Noted 27/4

Dep Sec'y (Gen), Land Dept